

2863



# TRANSMITTAL FORM

Application Serial Number	09/738,612
Filing Date	December 15, 2000
First Named Inventor	Costa
Group Art Unit	2863
Examiner Name	Michael P. Nghiem
Attorney Docket No.	MDS-020 (6219/6)
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

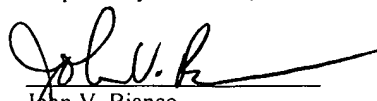
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment and Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input checked="" type="checkbox"/> Second Supplemental Information Disclosure Statement (3 pgs.) <input checked="" type="checkbox"/> Second Supplemental Form PTO-1449 (1 pg.) <input checked="" type="checkbox"/> Copies of IDS Citations (A193-A195; B29) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
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## CORRESPONDENCE ADDRESS

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 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
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## SIGNATURE BLOCK

Respectfully submitted,  
  
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 Attorney for Applicants  
 Testa, Hurwitz & Thibault, LLP  
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 125 High Street  
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Date: October 3, 2003  
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 Tel. No.: (617) 248-7870  
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PATENT  
Attorney Docket No. MDS-020 (6219/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Costa et al.  
SERIAL NO.: 09/738,612 GROUP NO.: 2863  
FILING DATE: December 15, 2000 EXAMINER: Michael P. Nghiem  
TITLE: System for Normalizing Spectra

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☒ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**

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- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

In addition, Applicants wish to call to the Examiner's attention Office Actions issued in the following commonly-owned, co-pending patent applications:

- 1) U.S. Serial No. 09/841,325, Attorney Docket No. MDS-009CN, filed on 4/24/01, by Modell et al.;
- 2) U.S. Serial No. 09/591,706, Attorney Docket No. MDS-012, filed on 6/9/00, by Nordstrom et al.;
- 3) U.S. Serial No. 09/738,614, Attorney Docket No. MDS-013A, filed on 12/15/00, by Kaufman et al.;
- 4) U.S. Serial No. 10/068,133, Attorney Docket No. MDS-013AC2, filed on 2/5/02, by Kaufman et al.;
- 5) U.S. Serial No. 09/738,147, Attorney Docket No. MDS-013B, filed on 12/15/00, by Kaufman et al.;
- 6) U.S. Serial No. 10/411,777, Attorney Docket No. MDS-013BC1, filed on 4/11/03, by Kaufman et al.;
- 7) U.S. Serial No. 10/178,772, Attorney Docket No. MDS-014CN, filed on 6/24/02, by Modell et al.;
- 8) U.S. Serial No. 10/122,429, Attorney Docket No. MDS-015CN, filed on 4/12/02, by Nordstrom et al.;
- 9) U.S. Serial No. 09/481,762, Attorney Docket No. MDS-016, filed on 1/11/00, by Modell et al.;
- 10) U.S. Serial No. 10/071,932, Attorney Docket No. MDS-022C1, filed on 2/8/02, by Nordstrom et al.;
- 11) U.S. Serial No. 10/192,820, Attorney Docket No. MDS-028, filed on 7/10/02, by Schomacker et al.;
- 12) U.S. Serial No. 10/099,881, Attorney Docket No. MDS-030, filed on 3/15/02, by Kaufman et al.;
- 13) U.S. Serial No. 10/273,511, Attorney Docket No. MDS-031, filed on 10/18/02, by Clune et al.;
- 14) U.S. Serial No. 10/192,836, Attorney Docket No. MDS-032, filed on 7/10/02, by Zelenchuk;
- 15) U.S. Serial No. 10/243,535, Attorney Docket No. MDS-033, filed on 9/13/02, by Schomacker et al.;
- 16) U.S. Serial No. 10/295,794, Attorney Docket No. MDS-034, filed on 11/15/02, by Schomacker et al.;
- 17) U.S. Serial No. 10/418,922, Attorney Docket No. MDS-035, filed on 4/18/03, by Flewelling et al.;
- 18) U.S. Serial No. 10/418,902, Attorney Docket No. MDS-035A, filed on 4/18/03, by Jiang et al.;
- 19) U.S. Serial No. 10/418,974, Attorney Docket No. MDS-035B, filed on 4/18/03, by Jiang;
- 20) U.S. Serial No. 10/418,668, Attorney Docket No. MDS-035D, filed on 4/18/03, by Costa et al.;
- 21) U.S. Serial No. 10/418,975, Attorney Docket No. MDS-035E, filed on 4/18/03, by Jiang et al.;
- 22) U.S. Serial No. 10/418,415, Attorney Docket No. MDS-035F, filed on 4/18/03, by Schomacker et al.;
- 23) U.S. Serial No. 10/419,181, Attorney Docket No. MDS-035G, filed on 4/18/03, by Jiang et al.; and
- 24) U.S. Serial No. 10/418,973, Attorney Docket No. MDS-035H, filed on 4/18/03, by Schomacker et al.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

**STATEMENT**

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

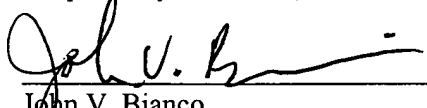
- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☒ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Date: October 3, 2003  
Reg. No. 36,748

Tel. No.: (617) 248-7870  
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2690851

Respectfully submitted,

  
\_\_\_\_\_  
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125 High Street  
Boston, Massachusetts 02110



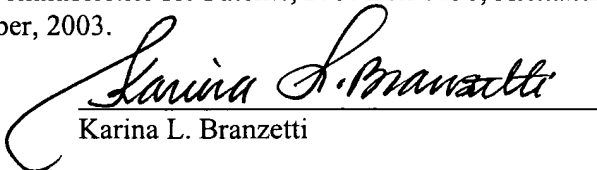
PATENT  
Attorney Docket No. MDS-020  
(6219/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Costa et al.  
SERIAL NO.: 09/738,612 GROUP NO.: 2863  
FILING DATE: December 15, 2000 EXAMINER: Michael P. Nghiem  
TITLE: System for Normalizing Spectra

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any documents referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of October, 2003.

  
Karina L. Branzetti

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

- (1) Transmittal Form (1 pg.);
- (2) Second Supplemental Information Disclosure Statement (3 pgs.);
- (3) Second Supplemental Form-PTO – 1449 (1 pg.);
- (4) Copies of IDS Citations (A193-A195, B29); and
- (5) Return receipt postcard.

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<b>FORM PTO - 1449</b>  <b>SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</b>					<b>ATTORNEY DOCKET NO.:</b> MDS-020  <b>APPLICANTS:</b> Costa <i>et al.</i>  <b>SERIAL NO.:</b> 09/738,612  <b>FILING DATE:</b> December 15, 2000  <b>GROUP:</b> 2863				
<b>U.S. PATENT DOCUMENTS</b>									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	A193	5,199,431	04/06/93	Kittrell et al.	128	634	10/04/89		
	A194	5,983,125	11/09/99	Alfano et al.	600	473	09/01/95		
	A195	6,021,344	02/01/00	Lui et al.	600	476	12/03/97		
<b>FOREIGN PATENT DOCUMENTS</b>									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B29	WO 00/59366	10/12/00	PCT			04/06/00		Y
<b>OTHER ART, JOURNAL ARTICLES, ETC.</b>									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
<b>EXAMINER</b>					<b>DATE CONSIDERED</b>				